THE HONOURABLE SRI JUSTICE V.ESWARAIAH

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Date:10-11-2005

WRIT PETITION No.24098 OF 2005

BETWEEN:

M/s. Servicelinks International Ltd., having its Corporate office at H.No.8-3-945/A/12, Nagarjuna Nagar, Ameerpet, Hyderabad, rep.by its Director.

…Petitioner

And

Government of India, rep.by its Secretary, Ministryof Labour, New Delhi & others.

…Respondents

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ORDER:

The petitioner questions the order of the Assistant Commissioner of Provident Fund (Compliance), Kukatpalli passed under Section 7-A of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (for short "the Act"), demanding to pay the contribution payable by the petitioner amounting to Rs.2,26,638/-.

Heard the learned counsel appearing for the petitioner and the learned Government Pleader.

Admittedly, the appeal lies against the said order dated 3-6-2005 within 60 days from the date of receipt of the said order under Section 7(1) of the Act. In view of the fact that there is an effective alternative remedy available to the petitioner, I am of the opinion that it is not just and proper to grant any relief in this writ petition.

It is stated that the as petitioner was directed to pay the amount within 10 days, he has constrained to file this writ petition questioning the action of the respondents in taking coercive steps to collect the said amount even before the expiry period of filing the appeal.

Having regard to the facts and circumstances of the case, the petitioner is permitted to file an appeal within two weeks from the date of this order and if any appeal is filed, there shall be stay of operation of the impugned order passed by the third respondent in proceedings No.AP/41719/Enf./Z-X/2005/146, dated 3-6-2006 on the condition of petitioner deposits half of the amount assessed within four weeks from the date of receipt of this order.

The writ petition is disposed of accordingly. No order as to costs.

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V.ESWARAIAH, J

Date: 10-11-2005.

Note:

Issue CC in 3 days.

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Shr.